UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,306	10/04/2005	John Peter Johnson	18237.1	4679

22913   7590   06/08/2011

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ART UNIT	PAPER NUMBER
2424	

MAIL DATE	DELIVERY MODE
06/08/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/554,306	JOHNSON, JOHN PETER
Office Action Summary	Examiner	Art Unit	
	FARZANA HOSSAIN	2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 March 2011</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>8-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>8-25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendments

1.   This office action is in response to communications filed 03/28/2011. Claims 1-7

are cancelled. Claims 8, 12, 14, 16 and 20-22 are amended. Claims 9-11, 13, 15, 17-

19 and 23 are previously presented. Claims 24 and 25 are new.

Response to Arguments

2.   Applicant's arguments filed 03/28/2011 have been fully considered but they are

not persuasive.

       Regarding Claims 8, the applicant argues that the combination, specifically

Kepecs, fails to disclose "the TTL values of the advertisements set differently for

different target destinations such that the advertisements played out at one of the target

IP addresses is different than the advertisements played out at the other of the target IP

addresses for the same advertisement time slot (Page 11). The applicant finds no

mention of TTL or playing out of any kind within Kepecs and that Kepecs discloses a

marketing system for an expiration date (Page 11). The applicant further argues that

Hermann teaches away from setting a TTL to zero because it should be omitted from a

broadcast (Page 12).

In response to the arguments, the examiner respectfully disagrees. Eldering3 discloses with each advertisement to each target STB via IP having a Time to Live (TTL) inbuilt expiry mechanism or Ad Expiration Date (Page 4, paragraph 0057, Page 5, paragraph 0070), the TTL being utilized to achieve selective play out of the advertisements (Page 6, paragraph 0081-0097), the selective play-out being achieved by setting the TTL of some of the multiple advertisements set at a value about to expire so that those advertisement will expire before they can be played out at the target destination (Page 6, paragraph 0085-0087, Page 1, paragraph 0006), setting the TTL of other advertisements with higher values so that the other advertisements are played out at the target destination (via IP) as there are some advertisements which are played out before the AD expiration date (Page 6, paragraph 0085-0087, Page 1, paragraph 0006, Page 4, paragraph 0057). Kepecs discloses advertisement and expiration or TTL values of the advertisements set differently for different target destinations as the play out of at one of the target IP addresses is different than the advertisements played out other customers for the same advertisement slot (Page 16, paragraph 0131). Hermann discloses the TTL set at a value approaching zero (Page 2, paragraph 0021, Page 3, paragraph 0026). The claim limitation recites that the broadcaster *initiates* transmission of advertisements - the ads have TTLs and the TTLs with values approaching zero which expire prior to playout – therefore, Hermann discloses the initiation of transmission and expiration prior to playout (Page 2, paragraph 0021). Note that the other references in combination disclose expiration of ads prior to playout. Hermann does not teach away from the other references.

Regarding Claims 20, 22 and 24 (and corresponding dependent claims of Claims

8, 20 and 22), the applicant makes similar arguments to Claim 8. See above response.

3.   The applicant states that if Claim 8 or Claim 20 is found allowable, then the

applicant will address the double patenting objection.

In response, the examiner notes the objection. The objection will be maintained.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or
described as set forth in section 102 of this title, if the differences between the subject
matter sought to be patented and the prior art are such that the subject matter as a
whole would have been obvious at the time the invention was made to a person having
ordinary skill in the art to which said subject matter pertains. Patentability shall not be
negatived by the manner in which the invention was made.

5.   Claims 8, 10, 12, 13 and 17-23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Eldering et al (US 2004/0148625 and hereafter referred to as

"Eldering") in view of Eldering (US 2005/0193410 and hereafter referred to as

"Eldering2"), Eldering et al (US 2002/0083443 and hereafter referred to as "Eldering3"),

Kepecs (US 2001/0032128) and Hermann et al (US 2002/0176391 and hereafter

referred to as "Hermann").

Regarding Claim 8, Eldering discloses a system for broadcasting advertisements

to an audience which comprises:

A profile gatherer that obtains program-receiving audience profiles (Pages 2-3, paragraphs 0034-0037, Page 4, paragraph 0071, Figure 1, 108); a profile matcher that matches a given advertisement's target audience profile to a given program-receiving audience profile (Page 3, paragraph 0038, Page 4, paragraph 0072, Figure 1, 110);

A broadcaster that broadcasts advertisements dependent upon target audience profiles and program-receiving audience profiles (Figure 10, Page 5, paragraph 0078, Page 6, paragraph 0089-0091, Figure 1, 114);

wherein: the profile gatherer operates with an interrogator that interrogates set top boxes with unique subscriber ID in order to determine the nature of the programs viewed by the program receiving audience per at least one unique subscriber ID (Page 4, paragraph 0065, Page 3, paragraph 0037, Page 4, paragraph 0071, Page 5, paragraph 0079, Figure 1, 108, 110);

the broadcaster operates with an analyzer that analyzes viewer habits for particular subscriber IDs in order to generate a program-receiving audience profile for at least one subscriber ID (Page 4, paragraph 0065, Page 4, paragraph 0071, Page 6, paragraph 0091, Figure 1, 104). Eldering discloses that sending advertisements to the user via IP addresses (Page 6, paragraph 0091) and a dictator dictating not only that certain advertisements shall be broadcast (Figure 1, 112, Page 5, paragraphs 0078, 0084). Eldering does not explicitly disclose interrogating a subscriber with individual IP address, analyzing viewer habits for particular IP addresses; the dictator that dictates that certain identical multiple advertisements shall be broadcast but also that certain IP addresses within the program-receiving audience, in at least one of the same respective

advertisement `slots`, during the same broadcast; and broadcaster advertisements

transmits multiple advertisements to a target IP address for the same advertisement

slot, with each advertisement having a Time to Live (TTL) inbuilt expiry mechanism or

Ad Expiration Date, the TTL of some of the multiple advertisements set at a value

approaching zero so that those advertisement will expire before they can be played out

at the target destination, with each advertisement to each target IP address having a

Time to Live (TTL) inbuilt expiry mechanism or Ad Expiration Date, the TTL of some of

the multiple advertisements set at a value approaching zero so that those advertisement

will expire before they can be played out at the target destination, setting the TTL of

other advertisements with higher values so that the other advertisements are played out

at the target destination as there are some advertisements which are played out before

the AD expiration date, the TTL values of the advertisements set differently for different

target destinations such that the advertisements played out at the other of the STBs for

the same advertisement slot.

In analogous art, Eldering2 discloses a system for broadcasting advertisements

to an audience which comprises: profile gatherer program-receiving audience profiles

(Pages 2-3, paragraphs 0034-0037); profile matcher matching a given advertisement's

target audience profile to a given program-receiving audience profile (Page 2,

paragraph 0034); wherein: profile gatherer obtaining program-receiving audience

profiles operate with interrogator interrogating set top boxes with individual IP

addresses in order to determine the nature of the programs viewed by the program

receiving audience per at least one IP address (Pages 2-3, paragraphs 0034-0036,

Page 6, paragraph 0074); the broadcaster broadcasting advertisements operate with

analyzer analyzing viewer habits for particular IP addresses in order to generate a

program-receiving audience profile or characteristics for at least one IP address (Pages

2-3, paragraphs 0033-0036, Page 6, paragraph 0074); and the system further

comprises: dictator dictating not only that certain identical multiple advertisements shall

be broadcast shall be initiated to at least two of the IP addresses within the program-

receiving audience may receive one advertisement in at least one of the same

respective advertisement `slots`, during the same broadcast (Page 1, paragraphs 0010-

0011, Page 3, paragraphs 0045-0047, Page 4, paragraph 0054, Page 6, paragraphs

0073-0076), the broadcaster broadcasting advertisements initiates transmission of

identical multiple advertisements to at least two target IP addresses for the same

advertisement slot (Page 1, paragraphs 0010-0011, Page 3, paragraphs 0045-0047,

Page 6, paragraphs 0073-0074). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify Eldering to include

interrogating a subscriber with individual IP address (Page 3, paragraph 0036, Page 6,

paragraph 0074) analyzing viewer habits for particular IP addresses (Pages 2-3,

paragraphs 0033-0036, Page 6, paragraphs 0074-0076); dictator dictating not only that

certain identical multiple advertisements shall be broadcast shall be initiated to at least

two of the IP addresses within the program-receiving audience may receive one

advertisement in at least one of the same respective advertisement `slots`, during the

same broadcast (Page 1, paragraphs 0010-0011, Page 3, paragraphs 0045-0047, Page

4, paragraph 0054, Page 6, paragraphs 0073-0076); the broadcaster broadcasting

advertisements initiates transmission of multiple advertisements to at least two IP

addresses for the same advertisement slot (Page 3, paragraphs 0045-0047,) as taught

by Eldering2 in order to present advertisements in an Internet environment for

individualized service (Page 2, paragraph 0026) as disclosed by Eldering2.

The combination is silent on with each advertisement to each target STB via IP

having a Time to Live (TTL) inbuilt expiry mechanism or Ad Expiration Date, the TTL of

some of the multiple advertisements set at a value approaching zero so that those

advertisement will expire before they can be played out at the target destination, setting

the TTL of other advertisements with higher values so that the other advertisements are

played out at the target destination as there are some advertisements which are played

out before the AD expiration date, the TTL values of the advertisements set differently

for different target destinations such that the advertisements played out at the other of

the STBs for the same advertisement slot.

In analogous art, Eldering3 discloses with each advertisement to each target

STB via IP having a Time to Live (TTL) inbuilt expiry mechanism or Ad Expiration Date

(Page 4, paragraph 0057, Page 5, paragraph 0070), the TTL being utilized to achieve

selective play out of the advertisements (Page 6, paragraph 0081-0097), the selective

play-out being achieved by setting the TTL of some of the multiple advertisements set at

a value about to expire so that those advertisement will expire before they can be

played out at the target destination (Page 6, paragraph 0085-0087, Page 1, paragraph

0006), setting the TTL of other advertisements with higher values so that the other

advertisements are played out at the target destination (via IP) as there are some

advertisements which are played out before the AD expiration date (Page 6, paragraph 0085-0087, Page 1, paragraph 0006, Page 4, paragraph 0057).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include with each advertisement to each target STB via IP having a Time to Live (TTL) inbuilt expiry mechanism or Ad Expiration Date (Page 4, paragraph 0057, Page 5, paragraph 0070), the TTL being utilized to achieve selective play out of the advertisements (Page 6, paragraph 0081-0097), the selective play-out being achieved by setting the TTL of some of the multiple advertisements set at a value about to expire so that those advertisement will expire before they can be played out at the target destination (Page 6, paragraph 0085-0087, Page 1, paragraph 0006), setting the TTL of other advertisements with higher values so that the other advertisements are played out at the target destination (via IP) as there are some advertisements which are played out before the AD expiration date (Page 6, paragraph 0085-0087, Page 1, paragraph 0006, Page 4, paragraph 0057) as taught by Eldering3 in order to present the most up to date ads to the viewer.

The combination is silent on the TTL values of the advertisements set differently for different target destinations such that the advertisements played out at one of the target IP addresses is different than the advertisements played out other of the STBs for the same advertisement slot, the TTL set at a value approaching zero.

Kepecs discloses the TTL values of the advertisements set differently for different target destinations such that the advertisements played out at one of the target

IP addresses is different than the advertisements played out other of the STBs for the same advertisement slot (Page 16, paragraph 0131). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the TTL values of the advertisements set differently for different target destinations such that the advertisements played out at one of the target IP addresses is different than the advertisements played out other of the STBs for the same advertisement slot (Page 16, paragraph 0131) as taught by Kepecs in order to provide a way for advertisers to make offers to users based on shopping habits and expire old ads (Abstract, Page 6, paragraph 0044, Page 1, paragraph 0044) as disclosed by Kepecs.

The combination is silent on the TTL set at a value approaching zero.

In analogous art, Hermann discloses the TTL set at a value approaching zero (Page 2, paragraph 0021, Page 3, paragraph 0026). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the TTL set at a value approaching zero (Page 2, paragraph 0021, Page 3, paragraph 0026) as taught by Hermann in order to provide a specific value to define expiration so that the expired advertisement will not be displayed.

Regarding Claim 10, Eldering, Eldering2, Eldering3, Kepecs and Hermann disclose all the limitations of Claim 8. Eldering discloses the system uses a bank of advertising campaigns where advertising campaigns are classified by integrating numerically tagged segment codes or based on the selected advertisements, the

advertisements are classified by integrating numerical codes or AD1, AD2, AD3 (Figure 10).

Regarding Claim 12, Eldering, Eldering2, Eldering3, Kepecs and Hermann disclose all the limitations of Claim 8. Eldering3 discloses a receiver receiving multiple advertisements from a broadcaster broadcasting advertisements (Figure 2, 210, 202) and a mechanism for controlling advertisements by for allowing the play-out of only a portion of the advertisements' broadcast whilst the remaining portion expires (Page 6, paragraphs 0085-0087). Hermann discloses expiration is based on TTL values of each of the advertisements (Page 3, paragraph 0026, Page 2, paragraph 0021).

Regarding Claim 13, Eldering, Eldering2, Eldering3, Kepecs and Hermann disclose all the limitations of Claim 8. Eldering discloses the system stores as the program buyer profile, time of broadcast and nature of broadcast and utilizes an interface between the audience profiles data stored and the further information to select appropriate advertisements (Pages 2-3, paragraphs 0034-0036, Page 4, paragraphs 0065, 0071, Figure 9, Page 5, paragraph 0084).

Regarding Claim 17, Eldering, Eldering2, Eldering3, Kepecs and Hermann disclose all the limitations of Claim 8. Eldering discloses the information identified such as the audience profiles is stored remotely from the viewer/listener receiver units (Figure 1, 108, 100, Page 4, paragraph 0065).

Regarding Claim 18, Eldering, Eldering2, Eldering3, Kepecs and Hermann disclose all the limitations of Claim 8. Eldering discloses wherein the program receiving audience profiles are based on an analysis of individual audience member's viewing

habits over a period of time and subsequent build up of these profiles into clusters of

interest groups for content and advertisement targeting purposes (Page 2, paragraph

0034, Page 3, paragraph 0037). Eldering3 discloses wherein the program receiving

audience profiles are based on an analysis of individual audience member's viewing

habits over a period of time and subsequent build up of these profiles into clusters of

interest groups for content and advertisement targeting purposes (Pages 3-4, paragraph

0045-0047).

Regarding Claim 19, Eldering, Eldering2, Eldering3, Kepecs and Hermann

disclose all the limitations of Claim 8. Eldering discloses the system uses a bank of

advertising campaigns or advertisements of advertisers (Page 6, paragraph 0095), the

system being configured such that advertising campaign material and/or mainstream

broadcast content can be collated or arranged, grouped, managed and coordinated for

the purpose of linking the profile groupings to relevant content in order to achieve

targeting and personalized delivery of content (Page 3, paragraphs 0039-0045, 0047,

0049, 0050 0052, Page 4, paragraph 0072).

Regarding Claim 20 and 24, Eldering discloses a system for broadcasting

advertisements to an audience and method for broadcasting advertisements to an

audience which comprises:

A profile gatherer that obtains program-receiving audience profiles (Pages 2-3,

paragraphs 0034-0037, Page 4, paragraph 0071, Figure 1, 108);

An interrogator that interrogates set top boxes with unique subscriber ID (Page 4,

paragraph 0065, Page 4, paragraph 0071, Page 5, paragraph 0079, Figure 1, 108,

110); wherein: the profile gatherer with the integrator to determine the nature of the

programs viewed by the program receiving audience per at least one unique subscriber

ID (Page 4, paragraph 0065, Page 4, paragraph 0071, Page 3, paragraph 0037, Page

5, paragraph 0079);

A profile matcher that matches a given advertisement's target audience profile to

a given program-receiving audience profile (Page 3, paragraph 0038, Page 4,

paragraph 0072, Figure 1, 110);

A broadcaster that broadcasts advertisements dependent upon target audience

profiles and program-receiving audience profiles (Figure 10, Page 5, paragraph 0078,

Page 6, paragraph 0089-0091, Figure 1, 114); the broadcaster advertisements operates

with analyzer analyzing viewer habits for particular subscriber IDs in order to generate a

program-receiving audience profile for at least one subscriber ID (Page 4, paragraph

0065, Page 4, paragraph 0071, Page 6, paragraph 0091, Figure 1, 104). Eldering

discloses that sending advertisements to the user via IP addresses (Page 6, paragraph

0091). Eldering does not explicitly disclose interrogator for interrogating individual IP

address, analyzing viewer habits for particular IP addresses; dictator that dictates not

only that certain advertisements shall be broadcast but also that certain IP addresses

within the program-receiving audience, in at least one of the same respective

advertisement `slots`, during the same broadcast; and broadcaster broadcasting

advertisements transmits multiple advertisements to a target IP address for the same

advertisement slot, with each advertisement having a Time to Live (TTL) inbuilt expiry

mechanism or Ad Expiration Date, the TTL of some of the multiple advertisements set

at a value approaching zero so that those advertisement will expire before they can be

played out at the target destination, the TTL of some of the multiple advertisements set

at a value approaching zero so that those advertisement will expire before they can be

played out at the target destination, setting the TTL of other advertisements with higher

values so that the other advertisements are played out at the target destination as there

are some advertisements which are played out before the AD expiration date, the TTL

values of the advertisements set differently for different target destinations such that the

advertisements played out at the other of the STBs for the same advertisement slot.

In analogous art, Eldering2 discloses a system for broadcasting advertisements

to an audience which comprises: profile gatherer obtaining program-receiving audience

profiles (Pages 2-3, paragraphs 0034-0037); profile matcher that matches a given

advertisement's target audience profile to a given program-receiving audience profile

(Page 2, paragraph 0034); wherein: the profile gatherer program-receiving audience

profiles operate with interrogator set top boxes with individual IP addresses in order to

determine the nature of the programs viewed by the program receiving audience per at

least one IP address (Pages 2-3, paragraphs 0034-0036, Page 6, paragraph 0074); the

broadcaster broadcasting advertisements operate with analyzer analyzing viewer habits

for particular IP addresses in order to generate a program-receiving audience profile or

characteristics for at least one IP address (Pages 2-3, paragraphs 0033-0036, Page 6,

paragraph 0074-0076); and the system further comprises: dictator that dictates the

broadcast of certain identical advertisements shall be initiated to at least two of the IP

addresses, in at least one of the same respective advertisement `slots`, during the

same broadcast (Page 1, paragraphs 0010-0011, Page 3, paragraphs 0045-0047, Page

4, paragraph 0054, Page 6, paragraphs 0073-0076), the broadcaster advertisements

transmits multiple advertisements to a same target IP address for the same

advertisement slot (Page 1, paragraphs 0010-0011, Page 3, paragraphs 0045-0047,

Page 6, paragraphs 0073-0074). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify Eldering to include

interrogating a subscriber with individual IP address (Page 3, paragraph 0036, Page 6,

paragraph 0074) analyzing viewer habits for particular IP addresses (Pages 2-3,

paragraphs 0033-0036, Page 6, paragraph 0074); the broadcaster operates with

analyzer analyzing viewer habits for particular IP addresses in order to generate a

program-receiving audience profile or characteristics for at least one IP address (Pages

2-3, paragraphs 0033-0036, Page 6, paragraph 0074-0076); the broadcaster transmits

multiple advertisements to a same target IP address for the same advertisement slot

(Page 3, paragraphs 0045-0047, Page 6, paragraphs 0073-0074); dictator dictating the

broadcast of certain identical advertisements shall be initiated to at least two of the IP

addresses, in at least one of the same respective advertisement `slots`, during the

same broadcast (Page 1, paragraphs 0010-0011, Page 3, paragraphs 0045-0047, Page

4, paragraph 0054, Page 6, paragraphs 0073-0076 as taught by Eldering2 in order to

present advertisements in an Internet environment for individualized service (Page 2,

paragraph 0026) as disclosed by Eldering2.

The combination is silent on with each advertisement to each target STB via IP having a Time to Live (TTL) inbuilt expiry mechanism or Ad Expiration Date, the TTL of some of the multiple advertisements set at a value approaching zero so that those advertisement will expire before they can be played out at the target destination, setting the TTL of other advertisements with higher values so that the other advertisements are played out at the target destination as there are some advertisements which are played out before the AD expiration date, the TTL values of the advertisements set differently for different target destinations such that the advertisements played out at the other of the STBs for the same advertisement slot.

In analogous art, Eldering3 discloses with each advertisement to each target STB via IP having a Time to Live (TTL) inbuilt expiry mechanism or Ad Expiration Date (Page 4, paragraph 0057, Page 5, paragraph 0070), the TTL being utilized to achieve selective play out of the advertisements (Page 6, paragraph 0081-0097), the selective play-out being achieved by setting the TTL of some of the multiple advertisements set at a value about to expire so that those advertisement will expire before they can be played out at the target destination (Page 6, paragraph 0085-0087, Page 1, paragraph 0006), setting the TTL of other advertisements with higher values so that the other advertisements are played out at the target destination (via IP) as there are some advertisements which are played out before the AD expiration date (Page 6, paragraph 0085-0087, Page 1, paragraph 0006, Page 4, paragraph 0057).

The combination is silent on the TTL values of the advertisements set differently for different target destinations such that the advertisements played out at one of the

target IP addresses is different than the advertisements played out other of the STBs for the same advertisement slot, the TTL set at a value approaching zero.

Kepecs discloses the TTL values of the advertisements set differently for different target destinations such that the advertisements played out at one of the target IP addresses is different than the advertisements played out other of the STBs for the same advertisement slot (Page 16, paragraph 0131). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the TTL values of the advertisements set differently for different target destinations such that the advertisements played out at one of the target IP addresses is different than the advertisements played out other of the STBs for the same advertisement slot (Page 16, paragraph 0131) as taught by Kepecs in order to provide a way for advertisers to make offers to users based on shopping habits and expire old ads (Abstract, Page 6, paragraph 0044, Page 1, paragraph 0044) as disclosed by Kepecs.

The combination is silent on the TTL set at a value approaching zero.

In analogous art, Hermann discloses the TTL set at a value approaching zero (Page 2, paragraph 0021, Page 3, paragraph 0026). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the TTL set at a value approaching zero (Page 2, paragraph 0021, Page 3, paragraph 0026) as taught by Hermann in order to provide a specific value to define expiration so that the expired advertisement will not be displayed.

Regarding Claim 21, Eldering, Eldering2, Eldering3, Kepecs and Hermann disclose all the limitations of Claim 20. Eldering3 discloses receiving multiple advertisements from the broadcaster (Figure 2, 210, 202) and a mechanism for allowing the play-out of only a portion of the advertisements' broadcast whilst the remaining portion expires (Page 6, paragraphs 0085-0087). Hermann discloses expiration is based on TTL values of each of the advertisements (Page 3, paragraph 0026, Page 2, paragraph 0021).

Regarding Claim 22, Eldering discloses a system for broadcasting advertisements to an audience which comprises:

Profile gatherer that obtains program-receiving audience profiles (Pages 2-3, paragraphs 0034-0037, Page 4, paragraph 0071, Figure 1, 108);

Profile matcher that matches a given advertisement's target audience profile to a given program-receiving audience profile (Page 3, paragraphs 0037, 0038, Page 4, paragraph 0072, Figure 1, 110);

broadcaster broadcasting advertisements dependent upon target audience profiles and program-receiving audience profiles (Figure 10, Page 5, paragraph 0078, Page 6, paragraph 0089-0091, Figure 1, 112);

the program receiving audience profiles being based on an analysis of individual audience member's viewing habits over a period of time and subsequent build up of these profiles into clusters of interest groups for content and advertisement targeting purposes (Page 2, paragraph 0034, Page 3, paragraph 0037, Page 4, paragraph 0071, Figure 1, 108)

wherein: the profile gatherer operates with interrogator that interrogates set top boxes with unique subscriber ID in order to determine the nature of the programs viewed by the program receiving audience per at least one unique subscriber ID (Page 4, paragraph 0065, Page 3, paragraph 0037, Page 4, paragraph 0071, Page 5, paragraph 0079, Figure 1, 108, 110);

the broadcaster operates with analyzer that analyzes viewer habits for particular subscriber IDs in order to generate a program-receiving audience profile for at least one subscriber ID (Page 4, paragraph 0065, Page 4, paragraph 0071, Page 6, paragraph 0091). Eldering discloses that sending advertisements to the user via IP addresses (Page 6, paragraph 0091), dictator dictating not only that certain advertisements shall be broadcast (Figure 1, 112, Page 5, paragraphs 0078, 0084). Eldering does not explicitly disclose interrogating a subscriber with individual IP address, analyzing viewer habits for particular IP addresses; broadcaster operate with analyzer analyzing viewer habits for particular IP addresses in order to generate a program receiving audience profile for at least one IP address; dictator dictating not only that certain advertisements shall be broadcast but also that certain IP addresses within the program-receiving audience in at least one of the same respective advertisement `slots`, during the same broadcast, with each advertisement having a Time to Live (TTL) inbuilt expiry mechanism or Ad Expiration Date, the TTL of some of the multiple advertisements set at a value approaching zero so that those advertisement will expire before they can be played out at the target destination, with each advertisement to each target IP address having a Time to Live (TTL) inbuilt expiry mechanism or Ad Expiration Date, the TTL of

some of the multiple advertisements set at a value approaching zero so that those

advertisement will expire before they can be played out at the target destination, setting

the TTL of other advertisements with higher values so that the other advertisements are

played out at the target destination as there are some advertisements which are played

out before the AD expiration date, the TTL values of the advertisements set differently

for different target destinations such that the advertisements played out at the other of

the STBs for the same advertisement slot.

In analogous art, Eldering2 discloses a system for broadcasting advertisements

to an audience which comprises: profile gatherer that obtains program-receiving

audience profiles (Pages 2-3, paragraphs 0034-0037); profile matcher that matches a

given advertisement's target audience profile to a given program-receiving audience

profile (Page 2, paragraph 0034); wherein: the profile gatherer operate with interrogator

that interrogates set top boxes with individual IP addresses in order to determine the

nature of the programs viewed by the program receiving audience per at least one IP

address (Page 3, paragraph 0036, Page 6, paragraph 0074); the broadcaster operate

with analyzer analyzing viewer habits for particular IP addresses in order to generate a

program-receiving audience profile or characteristics for at least one IP address (Pages

2-3, paragraphs 0033-0036, Page 6, paragraph 0074); and dictator that dictates not

only that certain advertisements shall be broadcast but also that certain IP addresses

within the program-receiving audience, in at least one of the same respective

advertisement `slots`, during the same broadcast (Page 1, paragraphs 0010-0011,

Page 3, paragraphs 0045-0047, Page 4, paragraph 0054, Page 6, paragraphs 0073-

0074), the broadcaster broadcasting advertisements transmits multiple advertisements

to a same target IP address for the same advertisement slot (Page 1, paragraphs 0010-

0011, Page 3, paragraphs 0045-0047, Page 6, paragraphs 0073-0074). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify Eldering to include interrogating a subscriber with individual IP address

(Page 3, paragraph 0036, Page 6, paragraph 0074) analyzing viewer habits for

particular IP addresses (Pages 2-3, paragraphs 0033-0036, Page 6, paragraph 0074);

broadcaster operates with analyzer analyzing viewer habits for particular IP addresses

in order to generate a program-receiving audience profile or characteristics for at least

one IP address (Pages 2-3, paragraphs 0033-0036, Page 6, paragraph 0074); dictator

dictating not only that certain advertisements shall be broadcast but also that certain IP

addresses within the program-receiving audience, in at least one of the same respective

advertisement `slots`, during the same broadcast (Page 1, paragraphs 0010-0011,

Page 3, paragraphs 0045-0047, Page 4, paragraph 0054, Page 6, paragraphs 0073-

0074); the broadcaster transmits multiple advertisements to a same target IP address

for the same advertisement slot (Page 1, paragraphs 0010-0011, Page 3, paragraphs

0045-0047, Page 6, paragraphs 0073-0074) as taught by Eldering2 in order to present

advertisements in an Internet environment for individualized service (Page 2,

paragraph 0026) as disclosed by Eldering2.

        The combination is silent on with each advertisement to each target STB via IP

having a Time to Live (TTL) inbuilt expiry mechanism or Ad Expiration Date, the TTL of

some of the multiple advertisements set at a value approaching zero so that those

advertisement will expire before they can be played out at the target destination, setting

the TTL of other advertisements with higher values so that the other advertisements are

played out at the target destination as there are some advertisements which are played

out before the AD expiration date, the TTL values of the advertisements set differently

for different target destinations such that the advertisements played out at the other of

the STBs for the same advertisement slot.

In analogous art, Eldering3 discloses with each advertisement to each target

STB via IP having a Time to Live (TTL) inbuilt expiry mechanism or Ad Expiration Date

(Page 4, paragraph 0057, Page 5, paragraph 0070), the TTL being utilized to achieve

selective play out of the advertisements (Page 6, paragraph 0081-0097), the selective

play-out being achieved by setting the TTL of some of the multiple advertisements set at

a value about to expire so that those advertisement will expire before they can be

played out at the target destination (Page 6, paragraph 0085-0087, Page 1, paragraph

0006), setting the TTL of other advertisements with higher values so that the other

advertisements are played out at the target destination (via IP) as there are some

advertisements which are played out before the AD expiration date (Page 6, paragraph

0085-0087, Page 1, paragraph 0006, Page 4, paragraph 0057).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the combination to include with each

advertisement to each target STB via IP having a Time to Live (TTL) inbuilt expiry

mechanism or Ad Expiration Date (Page 4, paragraph 0057, Page 5, paragraph 0070),

the TTL being utilized to achieve selective play out of the advertisements (Page 6,

paragraph 0081-0097), the selective play-out being achieved by setting the TTL of some of the multiple advertisements set at a value about to expire so that those advertisement will expire before they can be played out at the target destination (Page 6, paragraph 0085-0087, Page 1, paragraph 0006), setting the TTL of other advertisements with higher values so that the other advertisements are played out at the target destination (via IP) as there are some advertisements which are played out before the AD expiration date (Page 6, paragraph 0085-0087, Page 1, paragraph 0006, Page 4, paragraph 0057) as taught by Eldering3 in order to present the most up to date ads to the viewer.

The combination is silent on the TTL values of the advertisements set differently for different target destinations such that the advertisements played out at one of the target IP addresses is different than the advertisements played out other of the STBs for the same advertisement slot, the TTL set at a value approaching zero.

Kepecs discloses the TTL values of the advertisements set differently for different target destinations such that the advertisements played out at one of the target IP addresses is different than the advertisements played out other of the STBs for the same advertisement slot (Page 16, paragraph 0131). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the TTL values of the advertisements set differently for different target destinations such that the advertisements played out at one of the target IP addresses is different than the advertisements played out other of the STBs for the same advertisement slot (Page 16, paragraph 0131) as taught by Kepecs in order to

provide a way for advertisers to make offers to users based on shopping habits and

expire old ads (Abstract, Page 6, paragraph 0044, Page 1, paragraph 0044) as

disclosed by Kepecs.

The combination is silent on the TTL set at a value approaching zero.

In analogous art, Hermann discloses the TTL set at a value approaching zero

(Page 2, paragraph 0021, Page 3, paragraph 0026). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify

the combination to include the TTL set at a value approaching zero (Page 2, paragraph

0021, Page 3, paragraph 0026) as taught by Hermann in order to provide a specific

value to define expiration so that the expired advertisement will not be displayed.

Regarding Claim 23, Eldering and Eldering2 disclose all the limitations of Claim

22. Eldering discloses the system uses a bank of advertising campaigns or

advertisements of advertisers (Page 6, paragraph 0095), the system being configured

such that advertising campaign material and/or mainstream broadcast content can be

collated or arranged, grouped, managed and coordinated for the purpose of linking the

profile groupings to relevant content in order to achieve targeting and personalized

delivery of content (Page 3, paragraphs 0039-0045, 0047, 0049, 0050 0052, Page 4,

paragraph 0072).

Regarding Claim 25, Eldering, Eldering2, Eldering3, Kepecs and Hermann

disclose all the limitations of Claim 24. Eldering3 discloses receiving multiple

advertisements from a broadcaster broadcasting advertisements (Figure 2, 210, 202)

and a mechanism for controlling advertisements by for allowing the play-out of only a

portion of the advertisements' broadcast whilst the remaining portion expires (Page 6, paragraphs 0085-0087). Hermann discloses expiration is based on TTL values of each of the advertisements (Page 3, paragraph 0026, Page 2, paragraph 0021).

6.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering in view of Eldering2, Eldering3, Kepecs and Hermann as applied to claim 8 above, and further in view of Ivanyi (US 6,286,140).

        Regarding Claim 9, Eldering, Eldering2, Eldering3, Kepecs and Hermann disclose all the limitations of Claim 8. Eldering discloses storing data for analysis in a data collector located remotely from the set top boxes (Figure 1, 108, 100, Page 4, paragraph 0065). The combination is silent on the system collects data by using polling pulses. In analogous art, Ivanyi discloses the system collects data by using polling pulses or signals (Column 9, lines 5-13, Column 10, lines 35-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the system collects data by using polling pulses or signals (Column 9, lines 5-13, Column 10, lines 35-51) as taught by Ivanyi in order to efficiently collect data from a user device for a specific element of information such as polling data (Column 1, lines 28-41) as disclosed by Ivanyi.

7.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering in view of Eldering2, Eldering3, Kepecs and Hermann as applied to claim 8 above, and further in view of Eyer et al (US 2002/0124253 and hereafter referred to as "Eyer").

Regarding Claim 11, Eldering, Eldering2, Eldering3, Kepecs and Hermann

disclose all the limitations of Claim 8.   Eldering discloses a first server for obtaining

program-receiving profiles or information about the programs watched (Figure 1, 100,

108, Pages 2-3, paragraph 0034-0036, Page 4, paragraph 0065, 0071). The

combination is silent on at least a second server containing tagged advertisements. In

analogous art, Eyer discloses at least a second server containing tagged or selected

advertisements (Page 2, paragraph 0015, Figure 2, 45, 48). Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to

modify the combination to include at least a second server containing tagged or

selected advertisements (Page 2, paragraph 0015, Figure 2, 45, 48) as taught by Eyer

in order to efficiently use broadcast bandwidth (Page 1, paragraph 0004) as disclosed

by Eyer.

8.   Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering

in view of Eldering2, Eldering3, Kepecs and Hermann as applied to claim 8 above, and

further in view of Zigmond et al (US 6,698,020 and hereafter referred to as "Zigmond").

Regarding Claim 14, Eldering, Eldering2, Eldering3, Kepecs and Hermann

disclose all the limitations of Claim 8. The combination is silent on the limitations. The

combination is silent on allowing the audience to interact during an advertisement, store

data as part of the audience profile to record any such interaction and triggers the

release of further similarly classified advertisements to the audience. Zigmond

discloses allowing the audience to interact during an advertisement (Column 9, lines 21-

55, Column 16, lines 57-67, Column 17, lines 1-9), stores data as part of the audience

profile to record any such interaction (Column 9, lines 21-55, Column 11, lines 13-30,

Column 7, lines 50-65) and triggers the release of further similarly classified

advertisements to the audience or advertisements of a subject which match the viewer

and system information which includes interaction information (Column 9, lines 21-37,

Column 13, lines 48-57). Therefore, it would have been obvious to one of ordinary skill

in the art at the time the invention was made to modify the combination allowing the

audience to interact during an advertisement (Column 9, lines 21-55, Column 16, lines

57-67, Column 17, lines 1-9), stores data as part of the audience profile to record any

such interaction (Column 9, lines 21-55, Column 11, lines 13-30, Column 7, lines 50-65)

and triggers the release of further similarly classified advertisements to the audience or

advertisements of a subject which match the viewer and system information which

includes interaction information (Column 9, lines 21-37, Column 13, lines 48-57) as

taught by Zigmond in order to allow advertisers to monitor business activity before,

during and after an advertising campaign (Column 3, lines 50-54) as disclosed by

Zigmond.

9.   Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering

in view of Eldering2, Eldering3, Kepecs and Hermann as applied to claim 8 above, and

further in view of Srinivasan et al (US 2002/0038455 and hereafter referred to as

"Srinivasan").

Regarding Claim 15, Eldering, Eldering2, Eldering3, Kepecs and Hermann disclose all the limitations of Claim 8. The combination is silent on during a given broadcast with a plurality of advertisement breaks, the system is adapted to record for an individual audience the series of advertisements delivered during an initial break and then adjust the content of the following series of advertisements delivered during a subsequent break. In analogous art, Srinivasan discloses during a given broadcast with a plurality of advertisement breaks (Page 5, paragraphs 0061-0063), the system is adapted to record for an individual audience the series of advertisements delivered during an initial break (Figures 16-18, Page 6, paragraphs 0074-0076) and then adjust the content of the following series of advertisements delivered during a subsequent break (Figures 16-18, Pages 5-6, paragraphs 0069-0070, 0073). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination during a given broadcast with a plurality of advertisement breaks (Page 5, paragraphs 0061-0063), the system is adapted to record for an individual audience the series of advertisements delivered during an initial break (Figures 16-18, Page 6, paragraphs 0074-0076) and then adjust the content of the following series of advertisements delivered during a subsequent break (Figures 16-18, Pages 5-6, paragraphs 0069-0070, 0073) as taught by Srinivasan in order to allow system operators to provide advertisements to viewers for the time allotted for each break and to mix and match commercials based on this time for each demographic group (Pages 5-6, paragraphs 0068-0070) as disclosed by Srinivasan.

10.   Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering

in view of Eldering2, Eldering3, Kepecs and Hermann as applied to claim 8 above, and

further in view of Zigmond and DePietro (US 2004/0111741 and hereafter referred to as

"Depietro").

Regarding Claim 16, Eldering, Eldering2, Eldering3, Kepecs and Hermann

disclose all the limitations of Claim 8. The combination is silent on the limitations.

Zigmond discloses during a given broadcast on a given channel with a plurality of

advertisement breaks (Figures 2A-B). Zigmond discloses that the system is adapted to

record for an individual audience whether the viewer switches to another channel during

the break (Column 9, lines 21-35, Column 7, lines 50-65) and that advertisements are

tailored to the channel and content displayed on a channel (Column 10, lines 64-67,

Column 11, lines 1-3, Column 12, lines 60-67, Column 13, lines 1-5) and to correspond

to the audience in question (Column 13, lines 48-58). Zigmond is silent on calculate

which channel he/she is likely to switch to and what is the most probable channel.

Depietro discloses calculating the channel the audience is likely to switch to and what

must be the most probable channel (Page 3, paragraphs 0038-0039).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the combination to during a given broadcast on a given

channel with a plurality of advertisement breaks (Figures 2A-B), the system is adapted

to record for an individual audience whether the viewer switches to another channel

during the break (Column 9, lines 21-35, Column 7, lines 50-65) and that

advertisements are tailored to the channel and content displayed on a channel (Column

10, lines 64-67, Column 11, lines 1-3, Column 12, lines 60-67, Column 13, lines 1-5)

and to correspond to the audience in question (Column 13, lines 48-58) as taught by

Zigmond in order to allow advertisers to monitor business activity before, during and

after an advertising campaign (Column 3, lines 50-54) as disclosed by Zigmond.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the combination to include calculating the channel the

audience is likely to switch to and what must be the most probable channel (Page 3,

paragraphs 0038-0039) as taught by Depietro in order to save on cost for receiving and

processing every digital channel when simply predicting channel surfing behavior would

eliminate delay (Page 1, paragraph 0010) as disclosed by Depietro.

Double Patenting

11.   Applicant is advised that should claim 8 be found allowable, claim 20 will be

objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two

claims in an application are duplicates or else are so close in content that they both

cover the same thing, despite a slight difference in wording, it is proper after allowing

one claim to object to the other as being a substantial duplicate of the allowed claim.

See MPEP § 706.03(k).

Conclusion

12.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to FARZANA HOSSAIN whose telephone number is

(571)272-5943. The examiner can normally be reached on Monday-Friday, 1:30 pm to

8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Pankaj Kumar can be reached on 571-272-3011. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

                                                        /FARZANA HOSSAIN/
                                                        Primary Examiner, Art Unit 2424

May 27, 2011